

REMARKS

Applicant has studied the Office Action dated July 20, 2007. Claims 1, 3, 4, 6-15, 17-21, 23-30, 32 and 33 are pending. Claims 1, 3, 6, 11, 17, 19, 21, 24, 25 and 28 have been amended. Claims 2, 5, 16, 22 and 31 have been cancelled without prejudice. Claims 1, 11, 21, and 28 are independent claims. No new matter has been added as the amendments have support in the specification as originally filed.

It is submitted that the application, as amended is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Claims

Claims 3, 6 and 17 have been amended to correct dependency in view of canceled claims. It is respectfully submitted that the amendments have support in the application as originally filed and are not related to patentability.

§ 102 Rejections

Claims 1-4, 7-15, 18, 20, 21, 23, 26, 28-30, 32, and 33 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nakamura (U.S. Patent No. 7,138,992). Claims 1, 2, 7, 11, 12, 18, 21, 23, and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hartular (U.S. Patent No. 6,873,322). Applicant respectfully traverses these rejections.

With this paper, claims 2, 5, 16, 22 and 31 have been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claims 53 and 59 and it is respectfully requested that the rejection be withdrawn.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With this paper, independent claims 1, 11 and 21 have been amended to incorporate the allowable matter indicated by the Examiner in, respectively, claims 5, 16 and 22 and any intervening claims. Therefore, it is respectfully asserted that claims 1, 11 and 21 are in condition for allowance as are claims 3, 4, 7-15, 18, 20, 23 and 26 by virtue of their dependence from an allowable independent claim.

It is respectfully noted that the Examiner did not formally reject claim 31. Applicant respectfully assumes that claim 31, which recites limitations similar to claims 5 and 16 in which the Examiner indicated allowable matter, also contains allowable matter. Applicant respectfully requests that the Examiner indicate a formal rejection if Applicant's assumption is incorrect.

With this paper, independent claim 28 has been amended to incorporate the assumed allowable matter in claim 31. Therefore, it is respectfully asserted that claim 28 is in condition for allowance as are claims 29, 30, 32 and 33, which now depend from an allowable independent claim.

Allowable Subject Matter

Applicant graciously acknowledges the Examiner's indication of allowable subject matter in claims 5, 6, 16, 17, 19, 22 and 25. As previously indicated, claims 5, 16 and 22 have been canceled without prejudice. Furthermore, claims 6 and 17 have been amended to depend from a now allowable independent claim and are, therefore, believed to be in condition for allowance. Moreover, claims 19, 24 and 25 have been amended into independent form to incorporate the limitations of the base claim and any intervening claims and are, therefore believed to be in condition for allowance,

CONCLUSION

In view of the above remarks, Applicant submits that claims 1, 3, 4, 6-15, 17-21, 23-30, 32 and 33 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

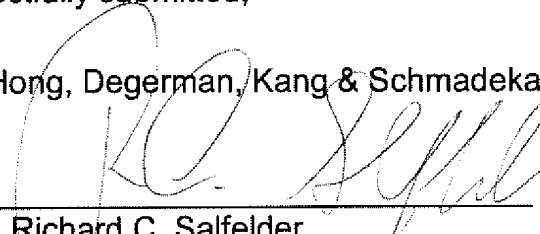
No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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